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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	FROM:
Mail Stop Amendment Examiner Fangemonique A. Smith	Jason D. Kelly
COMPANY:	DATE:
U.S. Patent & Trademark Office	APRIL 2, 2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-8160	1023-360US01
RE:	APPLICATION SERIAL NUMBER:
Response to Office Action dated January 2, 2008	10/825,964

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8232
Keith A. Miesel

Serial No.: 10/825,964

Filed: April 15, 2004 Customer No.: 28863

Examiner: Fangemonique A. Smith

Group Art Unit: 3736

Docket No.: 1023-360US01

Title: DETECTING SLEEP

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on April 2, 2008.

By: Shirley A. Betlach
Name: Shirley A. Betlach

Mail Stop Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

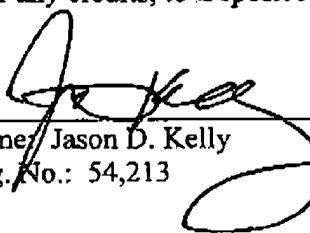
Sir:

We are transmitting herewith the attached correspondence relating to this application:

Transmittal sheet containing Certificate of Mailing
 Response (6 pgs.)
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Date: 4-2-08

By: 

Name: Jason D. Kelly
Reg. No.: 54,213

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8232
Serial No.:	10/825,964		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Fangemonique A. Smith		
Group Art Unit:	3736		
Docket No.:	1023-360US01		
Title:	<u>DETECTING SLEEP</u>		

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed January 2, 2008, the period of response for which runs through April 2, 2008, Applicant submits the following.

Remarks begin on page 2 of this paper.